

REMARKS/ARGUMENTS

Claims 8-22 have been canceled. In addition, claim 1 has been amended to further clarify the subject matter regarded as the invention. In particular, claim 1 has been amended to further clarify that metadata relating to records of a digital media database can be populated to effectively provide one or more populated records (see, for example, specification, pages 13-14).

In addition, claim 1 has been amended to additionally recite: (a) populating one or more records and (b) retrieving digital data associated with at least one of the one or more populated records based on the one or more populated records. It is respectfully submitted that claim 1 recites patentable subject matter. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under the section 35 U.S.C. 101. The Examiner's rejection of claims 1-7 under the section 35 U.S.C. 102(e) is fully traversed below.

It is noted that U.S. Patent 7,065,342 (*Rolf*) pertains to:

A mobile cellular telephone is used to select a music recording from a remote source, such as online music recording storage facility, and wirelessly receive the selected music recording. The received music recording is stored in a memory of the cellular telephone where it is available for playback with an audio player in the cellular telephone. Additional information, such as a title and artist associated with the music recording, is transmitted from the remote source to the cellular telephone with the music data. During playback of the music recording, the information is presented on a display of the cellular telephone. A system includes the remote music source and the mobile cellular telephone and may include an online user account via which the music recording is selected and downloaded to the cellular telephone (Abstract, *Rolf*).

However, it is respectfully submitted that “a user having a choice to buy a single or an entire album” (Office Action, page 5) does not teach or suggest: “querying for information required to populate one or more records of a plurality of records after receiving metadata about the plurality records” (claim 1). Moreover, it is respectfully submitted that *Rolf* does not teach or suggest this feature. Accordingly, it is respectfully submitted that claim 1 is patentable over *Rolf* for at least this reason.

Furthermore, it is respectfully submitted that “a user having the opportunity to select the manner of distribution of a purchased recording or album” (Office Action,

page 5) does not teach or suggest: “receiving information required to populate records associated with metadata.

Moreover, it is respectfully submitted that *Rolf* does not teach or suggest: (a) “populating one or more records to effectively provide one or more populated records, based on the metadata associated with the one or more records” and (b) “retrieving digital media associated with at least one of the populated records” (claim 1). Accordingly, it is respectfully submitted that claim 1 is patentable over *Rolf* for these additional reasons.

Other independent claims recite similar features as those discussed above and are therefore patentable over *Rolf* for similar reasons. Accordingly, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. APL1P272D1). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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